



U.S. Department of Justice

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Southern District of New York

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September 12, 2024

BY EMAIL

Honorable Lewis A. Kaplan
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

Re: *United States v. Matthew Queen, 24 Cr. 291 (LAK)*

Dear Judge Kaplan:

The Government respectfully submits this letter in response to the defendant's September 12, 2024 letter (the "September 12 Letter") regarding the re-filing of his August 29, 2024 motion. (*See* Dkt. 31, 35). As defense counsel alluded, the Government reviewed a proposed modified submission and redactions (the "Defense Proposal"). The Government noted in its review of the Defense Proposal that the defendant had removed quotation marks surrounding certain content from the underlying exhibits in his motion but that the motion still paraphrased or summarized the content of the exhibits in multiple places. The Defense Proposal also still cited to the exhibits, although as referenced in the September 12 Letter, certain citations were changed to "see also" citations. Notably, the defendant cited no alternative source in the Defense Proposal for the information contained therein. Therefore, the Defense Proposal appears to amount to a barely concealed attempt to publicly disclose the same Protective Order-protected information from the exhibits presented in the defendant's initial filing.

As the Defense Proposal completely obviates the purpose of the Government's request to redact the exhibits and attendant information from the public filing, the Government requested that the defendant redact all paraphrased and summarized information in the motion that is in fact contained in the underlying exhibits attached and cited. The defendant declined to do so. The Government therefore requests that the Court direct the defendant to redact any paraphrased and summarized information in the motion contained in the underlying exhibits for all the reasons stated in the Government's August 29, 2024 letter motion, which was so-ordered by the Court on September 4, 2024. (Dkt. 35).

Finally, with respect to Exhibit D, the defendant's notes, the defendant prepared the notes as part of his employment by the Seminary and the original notebook and copies thereof were produced by the Seminary and are now in the custody of the Federal Bureau of Investigation. The Government therefore submits that the Protective Order applies to Exhibit D. Indeed, while the Protective Order was being litigated, the defendant (i) did not object to the application of the Protective Order to the notes, and (ii) signed his consent to the Protective Order without a carve-

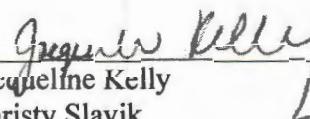
out for that document. (See Dkt. 27 at 1 n.1).¹ Moreover, the Government's position regarding Exhibit D is consistent with the Government's initial request and the Court's endorsement that *all* exhibits attached to the defendant's motion be filed under seal. (See Dkt. 35).

Accordingly, the Government requests that the Court order that all the exhibits to the defendant's motion be filed under seal and that the factual information contained in the motion citing to and summarizing such exhibits be redacted. The Government has no objection to the public filing of this letter.

Respectfully submitted,

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cc: Counsel of Record (via email)

¹ The Court ordered the entry of the Protective Order over the defendant's other objections. (Dkt. 34).